

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

STEVEN L. CLAYTON

Petitioner,

-v-

WARDEN, Corrections Medical
Center

Respondent.

Case No. C-3:11-cv-266

Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

ENTRY AND ORDER OVERRULING CLAYTON'S OBJECTIONS (Doc. #16) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #12) IN ITS ENTIRETY; DISMISSING CLAYTON'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; DENYING *IN FORMA PAUPERIS* STATUS ON APPEAL; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Petitioner Steven L. Clayton's ("Clayton's") Objections (doc. #16) to Magistrate Judge Michael R. Newman's Report and Recommendations (doc. #5). Magistrate Judge Newman's Report and Recommendations recommends that Clayton's Petition for a Writ of Habeas Corpus be dismissed with prejudice and that Clayton be denied a certificate of appealability and *in forma pauperis* status on appeal.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Clayton's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Further, because reasonable jurists would not disagree with this conclusion and an appeal would not be taken in objective good faith, Clayton is denied any requested certificate of appealability and *in forma pauperis* status on appeal. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this 13th Day of June, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Steven L. Clayton at his last address of record